

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary K. Michelson, M.D. )  
Serial No.: (Div. of 10/246,931) ) (Group Art Unit: 3738)  
Filed: April 14, 2004 ) (Examiner: D. Willse)  
For: METHOD FOR INSERTING )  
NESTED INTERBODY SPINAL )  
FUSION IMPLANTS )

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously submitted in a prior application Serial No. 10/246,931, filed September 19, 2002 and/or Serial No. 09/566,272, filed May 5, 2000, upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: April 14, 2004

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<b>FORM PTO-1449</b>			<b>Docket Number (Optional)</b> 101.0069-02000		<b>Application Number</b> (Div. of 10/246,931)	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>			<b>Applicant</b> Gary K. Michelson, M.D.			
(Use several sheets if necessary) Page 1 of 2			<b>Filing Date</b> April 14, 2004		<b>Group Art Unit</b> (3738)	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,426,364	2/1969	Lumb			
	3,875,595	4/1975	Froning			
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	4,961,740	10/1990	Ray et al.			
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	0 179 695 A1	4/1986	Europe			Abstract & Partial Translation
	EP 0599419 A2	6/1994	EPO			N/A
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	Crock, H.V.; Practice of Spinal Surgery; Springer-Verlag/Wien, New York (1983)
	Bagby, G.W.; Arthrodesis by the Distraction-Compression Method Using a Stainless Steel Implant; Orthopedics, Vol. II, No. 6, pp. 931-34 (June 1987)
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	Glazer, P.A., et al.; Biomechanical Analysis of Multilevel Fixation Methods in the Lumbar Spine; Spine, Vol. 22, No. 2, pp. 171-182 (1997)
	Ray, C.D.; Spinal Interbody Fusions: A Review, Featuring New Generation Techniques; Neurosurgery Quarterly, 7(2):135-156 (1997)
	A picture of a Medtronic, Sofamor Danek Display; titled "Evolving With Your Needs" (4/6/00)
	International Search Report mailed August 14, 2000 from corresponding International PCT Application No. PCT/US00/12363, filed May 5, 2000.

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.